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OFFICE OF THE SECRETARY OF STATE

STATE OF ILLINOIS
Pollution Control Board

JESSE WHITE • Secretary of State

1/9/2009

POLLUTION CONTROL BOARD

JAMES R THOMPSON CENTER 100 W RANDOLPH ST STE 11-500
JOHN THERRIAULT ASSISTANT CLERK
CHICAGO, IL 60601

1-809-3

Dear JOHN THERRIAULT ASSISTANT CLERK

Your rules Listed below met our codification standards and have been published in
Volume 33, Issue 3 of the Illinois Register, dated 1/16/2009.

ADOPTED RULES

Identification and Listing of Hazardous Waste

35 Ill. Adm. Code 721

Page 986

Point Of Contact: Michael McCambridge

Primary Drinking Water Standards

35 Ill. Adm. Code 611

Page 633

Point Of Contact: Michael McCambridge

808-7
808-11

Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

35 Ill. Adm. Code 724

Page 1106

Point Of Contact: Michael McCambridge

Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

35 Ill. Adm. Code 725

Page 1155

Point Of Contact: Michael McCambridge

Land Disposal Restrictions

35 Ill. Adm. Code 728

Page 1186

Point Of Contact: Michael McCambridge

Hazardous Waste Management System: General

35 Ill. Adm. Code 720

Page 922

Point Of Contact: Michael McCambridge

If you have any questions, you may contact the Administrative Code Division at
(217) 782 - 7017.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hazardous Waste Management System: General
- 2) Code citation: 35 Ill. Adm. Code 720
- 3)

<u>Section numbers:</u>	<u>Adopted action:</u>
720.110	Amend
720.111	Amend
720.122	Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 13, 22.4, and 27.
- 5) Effective date of amendments: DEC 30 2008
- 6) Does this rulemaking contain an automatic repeal date?: No.
- 7) Do these amendments contain incorporations by reference?

Yes. 35 Ill. Adm. Code 720.111 is the centralized location of all incorporations by reference for the purposes of the hazardous waste and underground injection control regulations of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, and 739. The present amendments update several of the incorporations to include the latest version of the *Code of Federal Regulations*, including citations to subsequent amendments that appeared in the *Federal Register*, where necessary. The Board also updated citations to the *United States Code* to the latest version of the incorporated provisions.

- 8) Statement of availability:

The adopted amendments, a copy of the Board's opinion and order adopted November 20, 2008 in docket R09-3, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

- 9) Notice of proposal published in the Illinois Register:

September 26, 2008, 32 Ill. Reg. 15494

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NOTICE OF ADOPTED AMENDMENTS

- 10) Has JCAR issued a statement of objections to these rules? No.

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 11) Differences between the proposal and the final version:

A table that appears in the Board's opinion and order of November 20, 2008 in docket R09-3 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated September 4, 2008, in docket R09-3. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.

The differences are limited to minor corrections that arose during the public comment period. The changes are intended to have no substantive effect. The intent is to add clarity to the rules without deviation from the substance of the federal amendments on which this proceeding is based.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the September 29, 2008 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the opinion and order of November 20, 2008 in docket R09-3, as indicated in item 11 above. See the November 20, 2008 opinion and order in docket R09-3 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

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NOTICE OF ADOPTED AMENDMENTS

- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other amendments pending on this Part? No.
- 15) Summary and purpose of amendments:

The following briefly describes the subjects and issues involved in the docket R09-3 rulemaking of which the amendments to Part 720 are a single segment. Also affected is 35 Ill. Adm. Code 721, 724, 725, and 728, which are covered by a separate notice in this issue of the Illinois Register. A comprehensive description is contained in the Board's opinion and order of November 20, 2008, adopting amendments in docket R09-3, which opinion and order is available from the address below.

This proceeding updates the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following:

R09-3	Federal RCRA Subtitle C hazardous waste amendments that occurred during the period January 1, 2008 through June 30, 2008.
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The R09-3 docket amends rules in Parts 720, 721, 724, 725, and 728. The amendments to the various Parts are inter-related. The following table briefly summarizes the federal actions in the update period:

January 2, 2008 (73 Fed. Reg. 57)	USEPA broadened an existing exclusion from the definition of solid waste for oil-bearing secondary materials that are reinserted into the refining process. The exclusion now embraces the gasification of oil-bearing secondary materials when they are processed in a gasification system at a refinery for production of synthesis gas.
April 8, 2008 (73 Fed. Reg. 18970)	USEPA amended the October 12, 2005 (70 Fed. Reg. 59402) Hazardous Waste Combustor Rule. The body of the hazardous waste combustor rule is codified as an air rule, at subpart EEE of 40 C.F.R. 63, and the major portion of the April 8, 2008 amendments involved subpart EEE. The HWM facility standards of 40 C.F.R.

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	264 through 266 include limited segments that describe the interplay between the hazardous waste combustor rule and the HWM facility standards. The April 8, 2008 amendments included limited amendments to the HWM facility standards.
June 4, 2008 (73 Fed. Reg. 31756)	USEPA amended the F019 hazardous waste listing to exempt wastewater treatment sludges from zinc phosphating when generated by a motor vehicle manufacturing process, subject to limitations. F019 waste is wastewater treatment sludge from the chemical conversion coating of aluminum.

In addition to the federal actions that fall within the timeframe of this docket, the Board included corrections to the amendments adopted by the Board in the prior updated docket, RCRA Subtitle C Update, USEPA Amendments (March 5, 2005, September 8, 2005, January 1, 2006 through June 30, 2006), R07-5, RCRA Subtitle C Update (July 1, 2006 through December 31, 2006), R07-14 (June 5, 2008) (consol.), in response to comments from USEPA on that rulemaking after its adoption.

Specifically, the amendments to Part 720 implement segments of the federal amendments of January 2, 2008 and April 8, 2008. The amendments add a definition that is key to broadening the exclusion of oil-bearing secondary materials that are reinserted into the refining process from the definition of solid waste. The amendments also update the incorporation of the hazardous waste combustor rule (subpart EEE of 40 C.F.R. 63) by reference.

Tables appear in the Board's opinion and order of November 20, 2008 in docket R09-3 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the November 20, 2008 opinion and order in docket R09-3.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted amendments shall be directed to:

Please reference consolidated docket R09-3 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of November 20, 2008 at 312-814-3620.
Alternatively, you may obtain a copy of the Board's opinion and order from the Internet
at <http://www.ipcb.state.il.us>.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- 2) Code citation: 35 Ill. Adm. Code 724
- 3)

<u>Section numbers:</u>	<u>Adopted action:</u>
724.103	Amend
724.114	Amend
724.154	Amend
724.194	Amend
724.416	Amend
724.440	Amend
724.982	Amend
724.989	Amend
724.Appendix I	Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.
- 5) Effective date of amendments: DEC 30 2008
- 6) Does this rulemaking contain an automatic repeal date?: No.
- 7) Do these amendments contain incorporations by reference?

No. 35 Ill. Adm. Code 720.111 is the centralized location of all incorporations by reference for the purposes of the hazardous waste and underground injection control regulations of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, and 739. Although some of the incorporations updated in 35 Ill. Adm. Code 720.111 relate to the requirements of Part 724, the amendments to this Part do not include themselves involve revisions to an incorporation by reference.

- 8) Statement of availability:

The adopted amendments, a copy of the Board's opinion and order adopted November 20, 2008 in docket R09-3, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

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NOTICE OF ADOPTED AMENDMENTS

- 9) Notice of proposal published in the Illinois Register:

September 26, 2008, 32 Ill. Reg. 15676

- 10) Has JCAR issued a statement of objections to these rules? No.

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 11) Differences between the proposal and the final version:

A table that appears in the Board's opinion and order of November 20, 2008 in docket R09-3 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated September 4, 2008, in docket R09-3. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.

The differences are limited to minor corrections that arose during the public comment period. The changes are intended to have no substantive effect. The intent is to add clarity to the rules without deviation from the substance of the federal amendments on which this proceeding is based.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the September 29, 2008 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the opinion and order of November 20, 2008 in docket R09-3, as indicated in item 11 above. See the November 20, 2008 opinion and order in docket R09-3 for additional details on the JCAR suggestions and the Board actions with

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NOTICE OF ADOPTED AMENDMENTS

regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other amendments pending on this Part? No.
- 15) Summary and purpose of amendments:

The amendments to Part 724 are a single segment of the docket R09-3 rulemaking that also affects 35 Ill. Adm. Code 720, 721, 725, and 728, each of which is covered by a separate notice in this issue of the Illinois Register. To save space, a more detailed description of the subjects and issues involved in the docket R09-3 rulemaking appears in this Illinois Register only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of November 20, 2008, adopting amendments in docket R09-3, which opinion and order is available from the address below.

Specifically, the amendments to Part 724 implement segments of the federal amendments of April 8, 2008. The amendments revise segments of the hazardous waste management standards to implement the revisions to the hazardous waste combustor rule.

Tables appear in the Board's opinion and order of November 20, 2008 in docket R09-3 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the November 20, 2008 opinion and order in docket R09-3.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

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- 16) Information and questions regarding these adopted amendments shall be directed to:

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100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

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Alternatively, you may obtain a copy of the Board's opinion and order from the Internet
at <http://www.ipcb.state.il.us>.

The full text of the adopted amendments begins on the next page:

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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- 2) Code citation: 35 Ill. Adm. Code 725
- 3)

<u>Section numbers:</u>	<u>Adopted action:</u>
725.114	Amend
725.154	Amend
725.176	Amend
725.416	Amend
725.933	Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.
- 5) Effective date of amendments: DEC 30 2008
- 6) Does this rulemaking contain an automatic repeal date?: No.
- 7) Do these amendments contain incorporations by reference?

No. 35 Ill. Adm. Code 720.111 is the centralized location of all incorporations by reference for the purposes of the hazardous waste and underground injection control regulations of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, and 739. Although some of the incorporations updated in 35 Ill. Adm. Code 720.111 relate to the requirements of Part 725, the amendments to this Part do not include themselves involve revisions to an incorporation by reference.

- 8) Statement of availability:

The adopted amendments, a copy of the Board's opinion and order adopted November 20, 2008 in docket R09-3, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

- 9) Notice of proposal published in the Illinois Register:

September 26, 2008, 32 Ill. Reg. 15724

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- 10) Has JCAR issued a statement of objections to these rules? No.

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 11) Differences between the proposal and the final version:

A table that appears in the Board's opinion and order of November 20, 2008 in docket R09-3 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated September 4, 2008, in docket R09-3. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.

The differences are limited to minor corrections that arose during the public comment period. The changes are intended to have no substantive effect. The intent is to add clarity to the rules without deviation from the substance of the federal amendments on which this proceeding is based.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the September 29, 2008 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the opinion and order of November 20, 2008 in docket R09-3, as indicated in item 11 above. See the November 20, 2008 opinion and order in docket R09-3 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other amendments pending on this Part? No.
- 15) Summary and purpose of amendments:

The amendments to Part 725 are a single segment of the docket R09-3 rulemaking that also affects 35 Ill. Adm. Code 720, 721, 724, and 728, each of which is covered by a separate notice in this issue of the Illinois Register. To save space, a more detailed description of the subjects and issues involved in the docket R09-3 rulemaking appears in this Illinois Register only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of November 20, 2008, adopting amendments in docket R09-3, which opinion and order is available from the address below.

Specifically, the amendments to Part 725 correct the amendments adopted in the prior update docket, RCRA Subtitle C Update, USEPA Amendments (March 5, 2005, September 8, 2005, January 1, 2006 through June 30, 2006), R07-5, RCRA Subtitle C Update (July 1, 2006 through December 31, 2006), R07-14 (June 5, 2008) (consol.), in response to comments from USEPA on that rulemaking after its adoption.

Tables appear in the Board's opinion and order of November 20, 2008 in docket R09-3 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the November 20, 2008 opinion and order in docket R09-3.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 16) Information and questions regarding these adopted amendments shall be directed to:

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NOTICE OF ADOPTED AMENDMENTS

Michael J. McCambridge
Staff Attorney
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100 W. Randolph 11-500
Chicago, IL 60601
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Alternatively, you may obtain a copy of the Board's opinion and order from the Internet
at <http://www.ipcb.state.il.us>.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Identification and Listing of Hazardous Waste

2) Code citation: 35 Ill. Adm. Code 721

3) <u>Section numbers:</u>	<u>Adopted action:</u>
721.102	Amend
721.104	Amend
721.123	Amend
721.131	Amend
721.133	Amend
721.Appendix G	Amend
721.Appendix Y	Amend
721.Appendix Z	Amend

4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.

5) Effective date of amendments: DEC 30 2008

6) Does this rulemaking contain an automatic repeal date?: No.

7) Do these amendments contain incorporations by reference?

No. 35 Ill. Adm. Code 720.111 is the centralized location of all incorporations by reference for the purposes of the hazardous waste and underground injection control regulations of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, and 739. Although some of the incorporations updated in 35 Ill. Adm. Code 720.111 relate to the requirements of Part 721, the amendments to this Part do not include themselves involve revisions to an incorporation by reference.

8) Statement of availability:

The adopted amendments, a copy of the Board's opinion and order adopted November 20, 2008 in docket R09-3, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of proposal published in the Illinois Register:

September 26, 2008, 32 Ill. Reg. 15557

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NOTICE OF ADOPTED AMENDMENTS

- 10) Has JCAR issued a statement of objections to these rules? No.

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 11) Differences between the proposal and the final version:

A table that appears in the Board's opinion and order of November 20, 2008 in docket R09-3 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated September 4, 2008, in docket R09-3. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.

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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other amendments pending on this Part? No.
- 15) Summary and purpose of amendments:

The amendments to Part 721 are a single segment of the docket R09-3 rulemaking that also affects 35 Ill. Adm. Code 720, 724, 725, and 728, each of which is covered by a separate notice in this issue of the Illinois Register. To save space, a more detailed description of the subjects and issues involved in the docket R09-3 rulemaking appears in this Illinois Register only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of November 20, 2008, adopting amendments in docket R09-3, which opinion and order is available from the address below.

Specifically, the amendments to Part 721 implement segments of the federal amendments of January 2, 2008 and June 4, 2008. The amendments broaden the exclusion of oil-bearing secondary materials that are reinserted into the refining process from the definition of solid waste. The amendments also exempt wastewater treatment sludges from zinc phosphating when generated by a motor vehicle manufacturing process from the F019 hazardous waste listing.

Tables appear in the Board's opinion and order of November 20, 2008 in docket R09-3 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the November 20, 2008 opinion and order in docket R09-3.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 16) Information and questions regarding these adopted amendments shall be directed to:

Please reference consolidated docket R09-3 and direct inquiries to the following person:

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NOTICE OF ADOPTED AMENDMENTS

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
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Request copies of the Board's opinion and order of November 20, 2008 at 312-814-3620.
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at <http://www.ipcb.state.il.us>.

The full text of the adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Land Disposal Restrictions
- 2) Code citation: 35 Ill. Adm. Code 728
- 3) Section numbers: 728.102 Adopted action: Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.
- 5) Effective date of amendment: DEC 30 2008
- 6) Does this rulemaking contain an automatic repeal date?: No.
- 7) Does this amendment contain incorporations by reference?

No. 35 Ill. Adm. Code 720.111 is the centralized location of all incorporations by reference for the purposes of the hazardous waste and underground injection control regulations of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, and 739. Although some of the incorporations updated in 35 Ill. Adm. Code 720.111 relate to the requirements of Part 728, the amendments to this Part do not include themselves involve revisions to an incorporation by reference.

- 8) Statement of availability:

The adopted amendments, a copy of the Board's opinion and order adopted November 20, 2008 in docket R09-3, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

- 9) Notice of proposal published in the Illinois Register:

September 26, 2008, 32 Ill. Reg. 15754

- 10) Has JCAR issued a statement of objections to these rules? No.

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

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NOTICE OF ADOPTED AMENDMENT

11) Differences between the proposal and the final version:

A table that appears in the Board's opinion and order of November 20, 2008 in docket R09-3 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated September 4, 2008, in docket R09-3. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.

The differences are limited to minor corrections that arose during the public comment period. The changes are intended to have no substantive effect. The intent is to add clarity to the rules without deviation from the substance of the federal amendments on which this proceeding is based.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the September 29, 2008 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the opinion and order of November 20, 2008 in docket R09-3, as indicated in item 11 above. See the November 20, 2008 opinion and order in docket R09-3 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

13) Will this amendment replace emergency amendments currently in effect? No.

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14) Are there any other amendments pending on this Part? No.

15) Summary and purpose of amendment:

The amendments to Part 728 are a single segment of the docket R09-3 rulemaking that also affects 35 Ill. Adm. Code 720, 721, 724, and 725, each of which is covered by a separate notice in this issue of the Illinois Register. To save space, a more detailed description of the subjects and issues involved in the docket R09-3 rulemaking appears in this Illinois Register only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of November 20, 2008, adopting amendments in docket R09-3, which opinion and order is available from the address below.

Specifically, the amendments to Part 728 correct the amendments adopted in the prior update docket, RCRA Subtitle C Update, USEPA Amendments (March 5, 2005, September 8, 2005, January 1, 2006 through June 30, 2006), R07-5, RCRA Subtitle C Update (July 1, 2006 through December 31, 2006), R07-14 (June 5, 2008) (consol.), in response to comments from USEPA on that rulemaking after its adoption.

Tables appear in the Board's opinion and order of November 20, 2008 in docket R09-3 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the November 20, 2008 opinion and order in docket R09-3.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

16) Information and questions regarding this adopted amendment shall be directed to:

Please reference consolidated docket R09-3 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney

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Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of November 20, 2008 at 312-814-3620.
Alternatively, you may obtain a copy of the Board's opinion and order from the Internet
at <http://www.ipcb.state.il.us>.

The full text of the adopted amendment begins on the next page: